

# BIG SANDY NEWS.

*Aut inveniam viam, aut faciam.*

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LOUISA, LAWRENCE COUNTY, KENTUCKY, OCTOBER 16, 1908

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## TRIAL

### For Killing of Whittaker Resulted in Binding Over Dr. Mar- cum and Releasing Blevins and Sizemore.

The close of Saturday, October 9, 1908, saw the close of one of the most important examining trials ever held in Louisa. Because of the gravity of the charge, the peculiar setting of the tragedy and the prominence of the actors great interest was felt wherever the news of the lamentable homicide had gone. Consequently a very large number of people had come to Louisa that day, and from the opening of the court at 10 o'clock Friday morning until the final decision was pronounced by Judge Thompson late the next day the Court House was filled with a deeply interested audience.

The array of counsel on both sides was in some respects quite out of the ordinary. City Marshal F. D. Marcum, the principal figure among the three defendants, is particularly fortunate in that among his kinsmen there are five lawyers of ability, some of them whose services are sought far and near. His father, Judge W. W. Marcum, has worn the ermine in our sister State of West Virginia. T. D. Marcum, an uncle, is a well known attorney of 3rd county. John S. and Lacey Marcum have won fame and fancy fees at the bar of West Virginia, and W. D. O'Neal, a prominent figure in the courts of this and other counties, is the Marshal's brother-in-law. All these were present, ably and eloquently, if unsuccessfully, battling for the discharge of their relative. And these were not all. R. T. Burns, M. S. Burns, William Cain, G. W. Cattle, A. J. Garred, F. T. D. Wallace, M. C. Kirk, of Inez, Green W. Skaggs, H. C. Sullivan, all these assisting in the defense. On the side of the Commonwealth County Attorney William Savage was assisted by Frank Hopkins, a leader of the Floyd bar, and William Dingus, Senator from that district and a well known lawyer.

At 10 a. m. the legal battle began. County Judge T. S. Thompson holding the court. Mr. Hopkins said he was a stranger and new to the parties and asked for time. This request was granted, and on a second request for a longer delay, the court adjourned until one o'clock.

At 2:15 Mr. Hopkins said he would nolle the three warrants under which Dr. Marcum, Frank Blevins and Jas. Sizemore were arrested, and asked that all three be arrested under one warrant charging F. D. Marcum with wilful murder and Frank Blevins and James Sizemore with aiding and abetting the same. The three defendants through their counsel waived all formalities and acknowledged themselves in the custody of the sheriff. The taking of testimony was then begun. Mr. Hopkins conducting for the prosecution and Mr. John Marcum for the defense. The Commonwealth's witnesses were numerous and they were subjected to a most vigorous cross examination. At the close of the testimony for the prosecution the defense retired for consultation and when they returned Dr. Marcum asked for the discharge of all the defendants. Desirous of being heard in behalf of this motion M. C. Kirk made quite a lengthy speech in its support. He cited numerous cases and decisions in support of his contention and was attentively listened to. He was replied to by Mr. Hopkins at considerable length. He made a strong appeal for his side, and like Mr. Kirk, was heard with interest and close attention. John Marcum had the close, and his speech in support of his motion was one of the most eloquent appeals ever made in that building. It was logical, eloquent and convincing, but did not quite convince the Judge that he should sustain the motion. It was overruled and the taking of testimony for the defense began. The three defendants were in turn put upon the stand in the order of Marcum, Blevins and Sizemore. Each told a perfectly clear, comprehensible, straight

story of the part he had taken in the unfortunate affair. Marcum told why he was on the train, who summoned him to arrest John Whittaker, and the defense part he was compelled to take in that tragedy on train 38 on that fateful Sunday night.

The NEWS says right here that after hearing the testimony of every witness save one it is prepared to say and does say that the account given in its issue of October second is true in every essential particular.

Marshal Sizemore said all he did was to draw his pistol to defend himself from what he supposed would be an attack upon him. The defendants were followed by other witnesses, but the evidence given by them, was, in the main, along the lines followed by the others. The Commonwealth introduced one or two witnesses for re-cross examination, and both sides having concluded Judge Thompson discharged Blevins and Sizemore and held Dr. Marcum in the sum of two thousand dollars to answer a charge of manslaughter at the next term of the Lawrence Circuit Court. The defendant gave the bond with T. D. Marcum and W. D. O'Neal, Jr., as surety and was discharged from custody.

## FIRE

### Destroys Residence of Wm. Watson at Overda.

Wm. Watson's residence at Overda, this county, was destroyed by fire at two o'clock Monday morning. Nothing was saved except some bedding, etc. Over sixty dollars in cash was lost in the flames. When the fire was first discovered it was confined to the kitchen and smoke house, a separate building standing about four feet from the main part of the residence. The family turned their attention to trying to extinguish the flames rather than saving the contents of the residence. Before they gave up the fight the fire had made such headway on the roof of the residence that there was very little chance left to save anything.

Mr. Watson is an honest hardworking man, and the loss falls very heavily upon him.

Mr. Watson believes it was the work of an incendiary. Wm. Mullins' bloodhounds were taken there but failed to take up a trail. These are the same dogs that were used at Cherokee when Chas. Cooper's house was burned.

### Call for College Money.

The call for the last payment on the Kentucky Normal College subscriptions was made for October 15th, but there are quite a number who have not responded. The full amount subscribed is now due and the work on the building has progressed to a point where the money is needed. The committee urges every subscriber to pay the balance due at once, without waiting to be called upon in person. All should remember that the finance committee is serving without any compensation whatever and that there is considerable work connected with it at best. This is a matter in which all citizens are alike interested. Please think of this matter in the proper light and go to some member of the finance committee today and make settlement in full.

The committee is as follows: F. H. Yates, G. A. Nash, W. N. Sullivan, Jay H. Northrup, G. S. Willson, Mont Holt and W. T. Cain.

### Serious Charges.

Jack Adkins and Lucian Crockett, two young men in Wayne county, are in jail in Huntington, charged with serious offenses against the laws of the United States.

The warrant against Adkins charged him with taking registered letters from the mail he had been carrying for some time between different points in Wayne county. Crockett was arrested for sending obscene matter through the mails to a Wayne county girl with whom he had become infatuated. Both men were placed in the county jail where they await the action of the Federal Court.

## BARBECUE

### And Democratic Speaking

#### At Louisa on Saturday, October 17th. Prominent Men Will Be Present.

The Democrats of Lawrence county, assisted by those of Wayne county, W. Va., will give a big barbecue at Louisa on Saturday of this week. Some of the most prominent speakers of the two States will be here. The speaking will begin at ten o'clock a. m. and continue until three p. m., with a sufficient intermission at the noon hour to fill the inner man with substantial food, free of charge. The fatted calves are now being slaughtered for the feast. Roast pig will also be served, along with other good things.

Among the speakers invited are Gov. Beckham, Hon. R. B. Franklin, G. A. Wyckoff, Judge Holt, of Huntington, Edgar B. Hager, John S. Rhea and John T. Hendrick.

All the these speakers will not be present probably, but there will be enough of them to make the liveliest time ever seen in Louisa. Democrats are urged to attend from every quarter of the two counties.

This is a very important campaign and one in which Democrats should show the greatest interest.

Gov. Beckham will be present provided he can arrange to delay an important committee meeting previously arranged for this day. Strong pressure is being brought to bear upon all parties to secure this change.

Gov. Beckham will be at Paintsville on the 19th, Prestonsburg the 20th, Pikeville the 21st, Salyersville the 22nd, West Liberty the 23rd.

The Democrats of Wayne county have been invited and have accepted the invitation to attend and assist in this big event.

There will be plenty of brass-band music and general enthusiasm. This will be the one big day of this campaign in this section.

Hon. James N. Kehoe regrets exceedingly that he can not be present, as he has an engagement to speak elsewhere the date having been made before the barbecue was planned.

### Still Unsolved.

The mystery attending the disappearance of W. E. Smith, a student of the Kentucky University at Lexington, remains as much of a mystery as ever. Notwithstanding their denials the public believes that the hoodlums attending the school under the disguise of men and scholars are responsible for the probable death of the unfortunate boy. If half that is told of the conditions existing at the University is true not a single dollar should be appropriated for its use by the Legislature, and if possible the entire helpless faculty should be removed.

There are two captains on the Lexington police force. Said Capt. Ford: "They have at the university some of the worst boys in America. If I had to make a choice between sending my son to State University or the Reform School I would unhesitatingly choose the latter."

Capt. Jenkins and Sergt. Shea, who stood by his side, said: "State University is pretty near the most lawless place in the country. It is infinitely worse than Breathitt county in its palmist days."

Hazing in any form is simply an act of brutality done by a stronger to a weaker person. The school that cannot suppress should itself be suppressed.

### Capt. W. O. Johnson.

After a sojourn of several weeks with Louisa relatives Capt. Will Johnson, U. S. A., left Monday for Morgantown, W. Va. About the 15th of Nov. he and his wife and daughter will leave San Francisco for Manila, P. I., for a stay of probably three or four years. Will Johnson, as he is better known to his Louisa friends, carries with him to his distant station the best wishes of all who know him, with the hope that speedy promotion, good health and much happiness may be his.

### Box Supper at Fallsburg.

By request of the committee the News announces that on the night of Saturday, October 24th, a box supper will be given at Fallsburg. The proceeds on this occasion will be devoted to church and Sunday school purposes. The attendance should be large.

### The Three Links.

Dan Blankenship and George Pigg are in Bowling Green this week, delegates representing the Louisa Lodge of Odd Fellows. They will be gone nearly all week.

### Conductor Blevins.

The News feels it is due to Frank Blevins, the well known conductor on the O. & B. S. division of the C. & O., to publicly declare his worth to his employer and to the people whose business or pleasure makes travel on this division a necessity. His "run" is in some respects, the meanest in the entire C. & O. system. In what respect it has this unenviable distinction it is not necessary to say. To properly conduct the train making this run requires a man of undaunted courage, coolness, courtesy and physical manhood. In not a single one of these essentials is Frank Blevins lacking. He will protect his passengers at all hazards, not hesitating to risk his own life in the discharge of his duty. It is a fact well known from Elkhorn City to Ashland that any child, any woman, can travel alone, if need be, on a train in charge of Frank Blevins, and be safe from injury or insult from anyone. Complaints have been made occasionally regarding some things alleged of Blevins, but sober, peaceable, well behaved individuals don't make them. They come from the other sort.

The traveling public in this section hopes that nothing short of old age will ever retire Frank Blevins.

### Well Known Here.

Mrs. Chattie Sullivan, of East Winchester avenue, entertained Mrs. Crooks McClure, Mrs. J. S. Stephens and Mrs. Jennie Engle, of West Virginia, for dinner yesterday. Mrs. Engle is a prominent W. C. T. U. worker and president of the West Virginia W. C. T. U. She is a woman of much personal charm, and very intelligent. She is a sister of Judge L. T. Everett, of Catlettsburg—Ashland Independent.

As Jennie Everett Mrs. Engle was very well known in this city. She was a frequent visitor to Louisa and had many friends and relatives here. She is a niece of Mrs. C. C. Sullivan and Mrs. Rebecca Gallup. She was quite a vocalist and there was always "Music In The Air" when Jennie Engle came to town.

### Farmers Wanted.

Washington, D. C., Oct. 15.—Wanted—3,000 practical farmers who would like to own homes of their own. The Government has nearly 200,000 acres of land lying under the various irrigation projects throughout the West for which water will be available next season. The farm unit on these projects varies in most cases from 40 to 60 acres of irrigable land, depending upon location,

## FATAL

### Accident to Isaac Lester Shot By His Son While Hunting in the West Virginia Mountains.

Seebert, W. Va., Oct. 13.—W. H. Adams, Louisa, Ky.,—Isaac Lester was shot and killed dead and corpse will be at Louisa Wednesday, the 14th. Have carriage to carry corpse to his home. W. M. Lester.

The above telegram to a Louisa friend of the Lesters conveyed the sorrowful intelligence that one of the most highly respected and worthy citizens of this county had met his death. The circumstances connected with the untimely fate of Mr. Lester are of the most distressing character. Following a custom of years Mr. Lester went to Seebert, in the mountains of West Virginia about 2 weeks ago to take his annual hunt. While there he made his headquarters with two of his sons, William and Lanford. On Monday last, he in company with Lanford, a man about 45 years of age, went to hunt squirrels. Lanford shot a squirrel in a tree and the little animal fell. He thought it was not killed and had gone to a lower limb, and fired again at what he supposed was the squirrel. His father unknown to the son, was hidden from sight behind another tree, but just enough of his gray coat was visible to cause his son to fire at it, thinking it the squirrel he had shot a moment before. The lead entered Mr. Lester's shoulder and neck and caused his death shortly afterward.

Accompanied by the two sons the body of Mr. Lester arrived in Louisa Wednesday morning and was immediately taken to the old home of the deceased near Wilbur, this county. The interment occurred yesterday at the home place of the dead man and was largely attended. Mr. Lester was a Mason in good standing, and the burial was conducted by the lodge of which he was a faithful member.

Besides the sons named deceased leaves another child, a grown daughter, single. A widow survives to mourn the loss of a good husband, while the community and the county regret the loss of a good citizen and kind neighbor and a most excellent man. Mr. Lester was, as nearly as can be learned, about 70 years of age.

Mr. Lester was one of the old time hunters. For several years previous to five years ago he went to the Sewell mountains of West Virginia and killed deer and an occasional bear, bringing home considerable quantities of these choice meats.

The little Sandy steamer, Thealka, named after Mrs. John C. Mayo, of Paintsville, Ky., is the only boat plying on the Ohio river today between Pittsburg and Cincinnati but that isn't so startling a fact as that she is running at all.

The little boat is doing business between Huntington and Gallipolis and is the only boat running between the two points mentioned. Every thing else in the boat line has been forced to tie up. The Thealka draws but a few inches of water or she also would be tied up.

This is but another instance of the survival of the fittest. When everything else fails Big Sandy comes to the rescue and again all's well.

### A Chicken Lunch.

Louisa Chapter R. A. M. got very busy last Monday night, continuing the rites and ceremonies until quite a late hour. An adjournment was then had to Hensley's restaurant and chicken, etc., was eaten without either rite or ceremony.

In many sections a tract of grazing land has been included in the farm unit whenever practicable, bringing the total up to 160 acres.

The only charge for these farms besides the regular land office fee for filing, is the actual cost of getting water to them, and payment may be made in ten annual installments without interest.

These irrigation projects are scattered over the entire arid region, from Canada to the Mexican line. In consequence, every variety of crop grown in the temperate zone can be raised under them. If you would like a fruit or dairy farm, a garden for market truck, a tract for diversified farming, hog or poultry raising, just write to the Statistician of the U. S. Reclamation Service, Washington, D. C., for particulars.

### A Funnycus.

J. H. Meek, of Dunlow, rode the Maagie goat last Saturday night. The latest reports are that John is improving.—Wayne News.

Caper Masonicus must be a funnycus. He has lots of fun all along the line. The Louisa Billy sends greetings to William of Wayne.

## THE TICKET

### To be Voted For at the November Election.

The candidates in the Ninth Congressional District to be voted for at the November election are varied and numerous. There are six tickets represented on the ballot, Democrats, Republicans, Prohibition, Socialist, People's Party and Independent League. For Elector the candidates are Geo. Wyckoff, Democrat; of Carter, F. M. McChesney, Republican, of Fleming county; and L. M. Copley, Prohibition, of Louisa. The Prohibition candidate for Congress from this district is A. M. Morris, of Greasop. On the Socialist ticket, J. J. Wood, of Augusta, is the candidate for Elector, and Ed Roberts of Ashland, wants to go to Congress on the same ticket.

John G. Blair, of Carlisle, represents the People's Party as a candidate for Elector, while on the Independence League ticket Samuel Abrahams, of Ashland, asks the independents of Ashland to make him a Presidential Elector.

And there you are—You pays your money—or takes your money—and takes your or the other fellow's choice. There should be no difficulty in suiting your taste from this menu.

### A Venerable Visitor.

J. W. Jones, of Union Hall, Estill county, is in Louisa visiting relatives living near this city. Mr. Jones is an uncle of Mrs. Richard Meek, her mother having been a sister of Mr. Jones. Mr. Jones is 86 years of age, but very active for one so old, as he is a gentleman of the old school, courteous and dignified in manner. He was in this section in 1853. Mr. Jones will visit awhile in this section and then visit the family of M. B. Gobie of Catlettsburg.

### A New Paper.

A new paper, the Pikeville Herald, has been launched on the uncertain waters of country journalism. Pikeville, already with two papers, is the port at which the venture began, and Warren M. Meek, of the Paintsville Herald, is captain and owner. It is a well printed, clean looking sheet, somewhat colored with Republicanism, and will doubtless be well received in that section.

### John W. Jones Very Sick.

Everybody who knows him regrets to hear of the critical illness of John W. Jones, one of the oldest and most highly respected men in Louisa. He has been very feeble a long time, and within the last few days he has failed perceptibly. He is at the home of his son-in-law, Sheriff R. A. Stone, well nursed and cared for.

Drew Thompson, married, had two of his fingers mashed while at work at the dam at Salspeter Tuesday morning. By some unlucky mishap his hand was caught in the "leader" of the pile driver and the accident followed. Capt. Wright sent him to Louisa in a buggy where the injury was dressed. Thompson will be laid up several days.